

CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT
January 20, 2011 Hearing
Agenda Item 2

SUBJECT: Hoag Hospital Covered Walkway - (PA2010-148)
One Hoag Drive
▪ Variance No. VA2010-003

APPLICANT: Hoag Memorial Hospital Presbyterian

PLANNER: Javier S. Garcia AICP, Senior Planner
(949) 644-3206, jgarcia@newportbeachca.gov

PROJECT SUMMARY

Hoag Hospital proposes the construction of an approximately, 210-foot-long, covered walkway that extends from the south parking structure to the south entrance of the main hospital building. A portion of the covered walkway exceeds the permitted height within the Parking Area Height Limitation Zone established by the Planned Community District Regulations. Therefore a variance is required to approve the increased height. The variance is for a 55-foot-long portion of the walkway that is 6 to 10 feet higher than permitted within the Parking Zone Height Limitation Area (80-foot height limit measured above Mean Sea Level, 80 MSL). The parking structure is currently constructed at or near the maximum height limit.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. ____ approving Variance No. VA2010-003 with the attached Findings and Conditions (Attachment No. PC 1).

VICINITY MAP



GENERAL PLAN



ZONING



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON SITE:	PI (Private Institutions)	Hoag Memorial Hospital Planned Community (PC38)	Hoag Memorial Hospital Presbyterian and related facilities
To the North	RM and OM (Multi-Family Residential and Medical Office)	RM (PC10) and CO- M (Commercial Office Medical)	Residential use within the Versailles at the Bluff and Villa Balboa and Administrative, Professional, Financial Commercial uses across Hospital Road
To the East:	CO-G	SP-9/RSC	Residential and Commercial (Across Newport Blvd)
To the South:	RS-D	R-1	Single Family Residential Detached (Across Coast Highway)
To the West:	PR (Public Recreation)	PR (Public Recreation)	Public Parking Lot and Future Park

INTRODUCTION

Project Setting

The Hoag Memorial Hospital Presbyterian campus is located at the northwest corner of West Coast Highway and Newport Boulevard and is comprised of two parcels totaling approximately 40 acres. The two parcels form the accepted boundaries between what is considered the Lower Campus and the Upper Campus. The Lower Campus includes the following facilities: the Cancer Center, the Child Care Center, a parking structure, several surface parking lots, and a support services building. The Upper Campus is where the general hospital facility is located and where the main activities of the site are centered. Additional facilities such as generator facilities, a heliport, the Surgery Center, two parking structures and several surface parking lots are also located in the Upper Campus.

The hospital campus is bounded on the north, east, and south by residential uses and to the west by a public parking lot and public park.

Project Description

The project as submitted is for the addition of a covered walkway that will extend across the boundary between the Parking Zone and the Tower Zone, a portion of which will exceed the permitted Parking Zone Height Limit of 80 feet MSL, and range in height between 80 and 90 feet MSL. The covered walkway will extend from the proposed new elevator of the South Parking Structure to the hospital's south entrance. Approval of a variance is required to allow the covered walkway to exceed the 80 feet MSL Height Limit within the Parking Zone.

The Applicant's Letter of Justification describing the project request and support for the variance findings is attached for the Commission's information (Attachment No. PC 2). Also attached to the letter are, detailed plans showing the location of the proposed elevator, the hospital south entrance, and the approximate location of the proposed covered walkway.

Background

The Hoag Hospital expansion and reconfiguration is an ongoing project that began after adoption of the Hoag Memorial Hospital Presbyterian Planned Community Development Criteria and District Regulations in 1992. The proposed covered walkway/canopy is a part of the Heart and Vascular Institute portion of the project.

DISCUSSION

Analysis

General Plan, Zoning – Hoag Hospital Planned Community District

The Land Use Element of the General Plan designates the site for Private Institutions (PI) use. The Zoning Code designates the site as PC 38 (Hoag Memorial Hospital Planned Community), which provides for the existing hospital facilities land use. Hoag Hospital is governed by Planned Community District Regulations that specify floor area, height limitation zones and other restrictions. The proposed development is an appurtenance to the facility and consistent with these designations and will not change the use of the property.

Local Coastal Plan

The Lower Campus of Hoag Memorial Hospital is located within the Coastal Zone and is designated as PI-B (Private Institutions). The South Parking Structure is located on the southerly end of the Upper Campus and is not located within the Coastal Zone, and therefore, not subject to Coastal Commission review or approval.

Height Limit Zone Compliance

The Hoag Campus is divided into two parts for height purposes, the Upper Campus and the Lower Campus. The Upper Campus is divided into three Height Limitation Zones; Tower Zone, Midrise Zone and the Parking Zone (Attachment No. PC 6). The South Parking Structure is located within the Parking Zone which has a maximum height limit measured at 80 feet above Mean Sea Level (80 MSL), exclusive of the elevator tower that is authorized to exceed the height limit, as necessary.

The north side of the South Parking Structure abuts the boundary between the Parking Zone (80 MSL) and the Tower Zone (235 MSL). There exists an abrupt change between the two height limit zones at that boundary that is depicted in the detailed plans submitted with the Applicant's Letter of Justification (Attachment No. PC 2).

There are no provisions within the Hoag Planned Community District Regulations that provide for a transition in the height between the two height zones. It was foreseen that the height of the parking structure would remain unchanged, with the exception of a future elevator that was to be added to the parking structure. However, it was not foreseen that another structure (covered walkway or canopy) might be constructed on top of the parking structure and across the boundary of the two height zones. Therefore, the construction of the covered walkway cannot be accomplished within the limitations of the Parking Zone without the prior approval of a variance for the increased height.

Variance

The height limit that was adopted for the Parking Zone is a horizontal plane at 80 MSL, which extends across the Parking Zone and above the South Parking Structure, the existing driving surface of the uppermost parking level measures approximately 75 MSL. The existing height limit restricts and prevents the ability to provide the covered walkway or any other appurtenance to be constructed on top of the parking structure without approval of a variance, because the parking structure's present height is at or near the 80 feet MSL (as depicted on Attachment No. PC 3).

Table 1 below describes the proposal within the related height zones and percentage of the overall walkway length.

TABLE 1:			
	Parking Zone	Tower Zone	TOTAL
Height Limit:	80 MSL	235 MSL	
Proposed Canopy Height:	Up to 90 MSL (10 to 15 feet above the surface of the parking structure)	Up to 96 MSL (It is higher in this area because it must maintain a minimum vertical clearance of 13 feet 6 inches above the roadway to accommodate vehicular traffic.)	
Length: (Approximate)	55 feet	155 feet	210 feet
Percentage of Total Length	26%	74%	

Section 20.52.090 F of the Newport Beach Municipal Code, requires the Planning Commission to make the following findings before approving a variance:

1. *There are special or unique circumstances or conditions applicable to the subject property (e.g. location, shape, size, surrounding, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification;*

2. *Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under and identical zoning classification;*
3. *Granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;*
4. *Granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district;*
5. *Granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood; and*
6. *Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.*

The Applicant's Letter of Justification for the requested variance is attached (Attachment No. PC 2 for the Planning Commission's consideration. The justification primarily focuses on the fact that the covered walkway crosses the boundary between two height limitation zones (Parking Lot Zone and Tower Zone) that were based on the height of the existing parking structure to accommodate the existing and future tower buildings; and the necessity of the covered walkway for protection of patrons and patients, entering the hospital from the South Parking Structure, from inclement weather.

The proposed 8-foot clearance height of the covered walkway/canopy and structure itself will total approximately 12 to 15 feet above the surface of the top level of the parking structure for an overall height of no more than 90 feet MSL (75 feet MSL deck surface plus 15 feet= 90 MSL). The portion of the proposed covered walkway that is the subject of the variance is approximately 55 linear feet of the 210 linear feet of covered walkway (26 percent of the overall length). The remainder of the covered walkway complies with the height limitations since it is located within the Tower Zone, 235 MSL.

Required Findings

The facts support the finding for the variance request for increased height of the covered walkway because there is the special circumstance related to the method by which the height limit has been applied to the property which differs from how height limits are applied elsewhere in the City. The general method for measuring permitted height provided by the Municipal Code would be a parallel plane that follows the topography of the lot. However, in the case of Hoag Hospital which is the only hospital in the City and is specifically governed by its own zoning regulations (PC 38), the height limit has been imposed based strictly on the height of a horizontal plane measured above Mean Sea Level for each of the height limitation zones.

Additionally, the abutting boundary line between height limitation zones provides no transitional relief to take existing topography or the abrupt change in height limits into account. This is unusually restrictive since the South Parking Structure is limited to a height limit which is at or near the top of the existing structure (± 5 feet above the deck surface) and does not take into consideration the slope differential between the zones at that boundary. The attached Hoag Hospital South Parking Structure Exhibit (Attachment No. PC3) approximately depicts the existing grade at the front and rear of the parking structure and its relationship to the 80 MSL horizontal plane.

Staff is satisfied that the granting of the height variance is necessary in order to enjoy and preserve property rights and such granting bestows no special privilege because the application of the height limit measurement in this case is derived from the Hoag Hospital Planned Community District Regulations which do not provide a means to transition between abruptly different height limitation zones of the subject property. The covered walkway/canopy will also improve public safety by protecting and sheltering patrons and patients from inclement weather while entering the hospital from the South Parking Structure.

Variance Conditions Recommended

Significant visual impacts on private views of the neighboring residential properties are mitigated since a majority of the walkway canopy structure will be obscured by the surrounding landscape trees on the westerly side of the parking structure. However, to address potential nighttime and visual impacts staff has included conditions of approval that limit the canopy lighting to either surface-mounted, ground pedestal lights with downward directed light sources or lighting mounted on the underside of the cover be recessed and directed downward only. The intent of the conditions is to prohibit back-lighting of the canopy structure. Staff has also included a condition requiring review and approval of the color of the fabric or outside material that will cover the canopy. The intent is to limit the color of the structure so as to blend in with the surrounding background and the parking structure. These measures will minimize any adverse visual impacts associated with the proposed structure.

Summary

Staff believes that adequate facts are in evidence to support the findings for the variance request for the increase height of the covered walkway. Staff recommends approval of the variance to accommodate the abrupt change in the height limitation zones with no consideration to account for existing topography and to provide a transition between two significantly different height zones.

Staff believes that this special circumstance deprives the property of privileges enjoyed by others. In addition, staff does not believe the granting of the variance will be materially detrimental to the public welfare or injurious to property or improvements in

the neighborhood, as exhibited by the photos provided by the Applicant; and as conditioned by this approval to limit visual (color of material approval) and lighting impacts (prohibit up-lighting and back-lighting of the canopy; downward direction of pedestrian pathway lighting). Therefore, staff recommends that the Planning Commission approve the variance request based on the discussion and facts above and the recommended conditions of approval that have been incorporated into the attached Resolution and Exhibit (Attachment No. PC 1).

Environmental Review

The project is categorically exempt under Section 15303 of the California Environmental Quality Act (CEQA) Guidelines - Class 3 (New Construction or Conversion of Small Structures). The addition of the covered walkway/canopy is consistent with this designation.

Public Notice

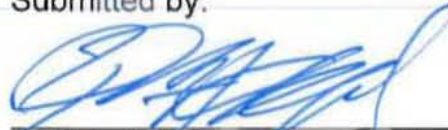
Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property, and posted at the site a minimum of ten days in advance of this hearing, consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:



Javier S. Garcia AICP, Senior Planner

Submitted by:



Patrick J. Alford, Planning Manager

ATTACHMENTS

- PC 1 Draft Resolution with Findings and Conditions
- PC 2 Applicant's Letter of Description and Justification
- PC 3 Photo Exhibit 1- Hoag Hospital South Parking Structure
- PC 4 Photo Exhibit 2- Hoag Hospital South Parking Structure, Views of the Proposed Covered Walkway
- PC 5 Hoag Planned Community Site and Boundary Map
- PC 6 Hoag Development Criteria Plan- Height Zones
- PC 7 Aerial Photos- South Parking Structure and Hospital South Entrance
- PC 8 Project Plans- Large Size

Attachment No. PC 1

DRAFT RESOLUTION AND
FINDINGS AND CONDITIONS
FOR VA2010-003

RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH RECOMMENDING APPROVAL OF VARIANCE NO. VA2010-003 TO ALLOW THE CONSTRUCTION OF A COVERED WALKWAY THAT EXCEEDS THE PERMITTED HEIGHT LIMIT OF 80 FEET ABOVE MEAN SEA LEVEL FOR THE MULTI-LEVEL PARKING STRUCTURE FOR HOAG MEMORIAL HOSPITAL PRESBYTERIAN, LOCATED AT ONE HOAG DRIVE (PA2010-148)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Hoag Memorial Hospital Presbyterian with respect to property located at One Hoag Drive, requesting approval of a variance of the height limit specified by the Hoag Memorial Hospital Presbyterian District Regulations (Hoag PC Regulations).
2. The applicant proposes to construct an approximately 210-foot-long, covered walkway that extends from the proposed elevator of the south parking structure to the south entrance of the main hospital building. The new construction is authorized under the currently approved Hoag Memorial Hospital Presbyterian Planned Community Development Criteria and District Regulations and the application is requested or required in order to implement a portion of the project. A variance is requested to allow an approximately 55-foot-long portion of the covered walkway to exceed the permitted height within the Parking Area Height Limitation Zone (80 feet above Mean Sea Level) established by the Hoag Memorial Hospital Planned Community District Regulations.
3. The Land Use Element of the General Plan designates the site for Private Institution (PI) use. The Zoning Code designates the site as PC 38 (Hoag Memorial Hospital Planned Community), which provides for the existing hospital facilities land use. The proposed covered walkway is an appurtenance to the private institution facility and is therefore consistent with this designation and will not change the use of the property.
4. The portion of the subject property designated as the lower campus is located within the coastal zone. The Coastal Land Use Plan designates this site as Private Institution (PI), which is intended to accommodate the existing and future expansion of the lower campus of the overall project. The proposed covered walkway is an appurtenance to the private institution facility and is therefore consistent with this designation and will not change the use of the property.
5. Hoag Hospital is governed by Planned Community District Regulations that specify floor area, height limitation zones and other restrictions. The Hoag Campus is divided into two parts, the Upper Campus and the Lower Campus. The Upper Campus is divided into

three Height Limitation Zones; Tower Zone, Midrise Zone and the Parking Zone. The south parking structure is located within the Parking Zone which has a maximum height limit measured at 80 feet above Mean Sea Level (80 MSL), exclusive of the elevator tower that is authorized to exceed the height limit, as necessary.

6. A public hearing was held by the Planning Commission on January 20, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the City Council at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

WHEREAS, this project has been reviewed and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 3 (New Construction or Conversion of Small Structures); and

SECTION 3. REQUIRED FINDINGS.

WHEREAS, Section Chapter 20.52.090.F of the Newport Beach Municipal Code requires findings and facts in support of such findings for approval of a variance, which are presented as follows:

Finding:

- A. *That there are special or unique circumstances or conditions applicable to the subject property (e.g. location, shape, size, surrounding, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification.*

Facts in Support of Finding:

- A-1. The facts support the finding for the variance request for increased height of the covered walkway because there is the special circumstance related to the method by which the height limit has been applied to the subject property which differs from how height limits are applied to other zoning districts in the city. The general method for measuring permitted height provided by the Municipal Code would be a parallel plane that follows the topography of the lot. However, in the case of Hoag Hospital, the height limit has been imposed based strictly on the height of a horizontal plane measured above mean sea level for each of the Height Limitation Zones of the Upper Campus.
- A-2. Additionally, the abutting boundary between height limitation zones provides no transitional relief to take into account the existing topography or the abrupt change in

height limits. This is unusually restrictive since the South Parking Structure is limited to a height limit (80 MSL) which is at or near the top of the existing structure (± 5 feet above the deck surface) and does not take into consideration the slope differential between the zones at that boundary. The attached Hoag Hospital South Parking Structure Exhibit (Attachment No. PC3) approximately depicts the existing grade at the front and rear of the parking structure and its relationship to the 80 MSL horizontal plane.

- A-3. This is the only hospital and hospital zoning district (PC 38) in the City, therefore, the zoning limitations and height restrictions as applied are unique to this property alone, there is no identical zoning classification elsewhere in the City.

Finding:

- B. That strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification.*

Fact in Support of Finding:

- B-1. The granting of the Variance for height does not deprive the subject property of privileges enjoyed by other properties in the vicinity since it is consistent with the intent of the PC Regulations to control the overall height of the parking structure itself, which remains unchanged. The proposal to add the covered walkway/canopy does not propose to increase the number of levels of the parking structure now or in the future. Staff also believes that the granting of the height variance to accommodate the addition of the covered walkway/canopy does not conflict with the intent of the Parking Zone Height Limit.
- B-2. This is the only hospital and hospital zoning district (PC 38) in the City, therefore, the zoning limitations and height restrictions as applied are unique to this property alone, there is no identical zoning classification elsewhere in the City.

Finding:

- C. That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.*

Facts in Support of Finding:

- C-1. The granting of the Height Variance is necessary in order to enjoy and preserve property rights of the applicant to construct the proposed covered walkway/ canopy for the convenience of patrons and patients, and because the application of the height limit measurement in this case is derived from the Hoag Hospital Planned Community District Regulations which do not provide a means to transition between abruptly different height limitation zones of the subject property.

Finding:

D. That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district/

Facts in Support of Finding:

- D-1. The approval of the variance will be consistent with the Hoag Memorial Hospital Planned Community District Regulations since it grants relief from the method by which the height limit has been imposed on the subject property. This would not constitute a grant of special privilege since the application of height limits in a strictly horizontal plane is not generally applied to other properties in the vicinity or other zoning district city in this manner. Additionally, the proposed covered walkway as conditioned will have minimal impact on views across or through the subject property; and nighttime glare impacts will be minimized.
- D-2. The Hoag Hospital Planned Community District Regulations permit the proposed elevator to be added to the South Parking Structure and to exceed the permitted height limit, as necessary. The Hoag Hospital Planned Community District Regulations do not provide the same relief to accommodate the proposed covered walkway/canopy. Staff believes that if the covered walkway could have been foreseen when the planned community district regulations and master plan were being developed in 1992, the accommodation for increased height of the walkway could have been incorporated at that time.
- D-3. This is the only hospital and hospital zoning district (PC 38) in the City, therefore, the zoning limitations and height restrictions as applied are unique to this property alone, there is no identical zoning classification elsewhere in the City.

Finding:

E. That the granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood.

Facts in Support of Finding:

- E-1. The project will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood. In fact, the project will improve and protect the health, safety and general welfare of patrons and patients of the facility, as exhibited by the photos provided and as presented at the public hearing; and as conditioned by this approval to mitigate and limit visual (color of material approval) and lighting impacts (prohibit up-lighting and back-lighting of the canopy; require downward direction of pedestrian pathway lighting) on the surrounding residential uses.

Finding:

F. Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.

Facts in Support of Finding:

- F-1. The granting of this Variance will not conflict with: the Land Use Element of the General Plan which designates the site for Private Institution (PI) use or the Zoning Code which designates the site as PC 38 (Hoag Memorial Hospital Planned Community), which provides for the existing hospital facilities land use, since the proposed covered walkway is an appurtenance to the private institution facility and is therefore consistent with these designations and will not change the use of the property.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby approves Variance No. VA2010-003 (PA2010-148), subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 20TH DAY OF JANUARY, 2011.

AYES: _____

NOES: _____

BY: _____
Earl McDaniel, Chairman

BY: _____
Michael Toerge, Secretary

EXHIBIT "A"

CONDITIONS OF APPROVAL (Project-specific conditions are in italics)

PLANNING

1. *The development shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval. The maximum height of the covered walkway/canopy structure shall not exceed 90 MSL at its highest point above grade within the Parking Zone Height Limitation Area. (Except as modified by applicable conditions of approval.)*
2. *Variance No. VA2010-0019 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.93.050 of the Newport Beach Municipal Code, unless an extension is otherwise granted.*
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Variance.
5. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
6. This Variance may be modified or revoked by the City Council or Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
7. *Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Department. If the building permits are issued by the Office of the State Architect, unpaid administrative costs or fees associated with the processing of this application shall be due and payable to the Planning Department within 45 days of the effective date of this approval.*
8. *Prior to the issuance of building permits, the applicant shall submit as a part of the plan check process, color swatches or material sample of the proposed surface of the covered walkway/canopy for review and approval by the Planning Director. If the building permits are issued by the Office of the State Architect, color swatches or material sample of the proposed surface of the covered walkway/canopy shall be submitted for review and approval by the Planning Director prior to installation.*

9. *Prior to the issuance of building permits, the lighting plan associated with the proposed covered walkway/canopy shall be reviewed and approved by the Planning Department. Lighting mounted on the underside of the canopy cover shall be directed downward only; pedestrian path lighting shall be ground mounted pedestal lights with the light source directed downward. Back-lighting of the canopy cover is prohibited. If the building permits are issued by the Office of the State Architect, the lighting plan shall be submitted for review and approval by the Planning Director prior to installation.*
10. *Lighting shall be in compliance with applicable standards of the Zoning Code. Exterior on-site lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent sites or create a public nuisance. "Walpak" type fixtures are not permitted.*
11. *The covered walkway/canopy shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Planning Director, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Planning Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.*
12. *Prior to issuance of the certificate of occupancy or final of building permits, the applicant shall schedule an evening inspection by the Code Enforcement Division to confirm control of light and glare specified in condition of approval No. 11. If the building permits are issued by the Office of the State Architect, the nighttime inspection shall be scheduled prior to final and release for use of the covered walkway.*
13. *All proposed signs shall be in conformance with the provision of Chapter 20.67 of the Newport Beach Municipal Code. Signs attached or incorporated into the proposed canopy structure shall comply with the comprehensive sign program or submitted as an amendment to that program, as deemed necessary by the Planning Department.*
14. *To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Variance No. VA2010-003 (PA2010-148) for the Hoag Memorial Hospital Presbyterian covered walkway; and the determination that the project is exempt under the requirements of the California Environmental Quality Act. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand*

any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Fire Department Condition

15. Prior to the issuance of building permits, the plans shall be subject to review and approval by the Fire Department of the minimum vertical clearance under the canopy that extends over the roadway.

Attachment No. PC 2

APPLICANT'S LETTER OF
JUSTIFICATION
FOR VA2010-003

Project Description: Heart and Vascular Institute
Covered Path of Travel for South Parking Structure Rooftop Accessible Parking
October 5, 2010

The overall Heart and Vascular Institute (HVI) project includes both interior and exterior improvements. Interior improvements will be made to the first floor of the existing Hospital, to accommodate a new hybrid operating room and two cath labs, as well as related staff and patient functions. Exterior improvements will be made to the façade of the existing South Entry building, along with a possible reconfiguration of the existing drive approach, patient drop-off and top deck of the adjacent South Parking Structure.

As part of the reconfiguration of the top deck of the South Parking Structure, Hoag Hospital proposes to provide a covered pedestrian path of travel from the elevator tower access (to be constructed as part of the HVI project) at the top deck (i.e., fifth floor) of the South Parking Structure to the South Entry patient drop-off.

As shown on the enclosed site plan, the South Entry as well as the area leading up to the South Parking Structure is located within the Tower Zone, which allows structures up to 235 feet above mean sea level. The Parking Structure is located within the Parking Zone, which allows structures up to 80 feet above mean sea level (excluding elevator towers). Hoag is requesting a variance to the height standards to allow that portion of the covered walkway from the elevator tower to the edge of the Tower Zone, a distance of approximately 55 feet. For this distance, the covered walkway would be approximately ten feet above the existing height limit.

The height of the canopy would be approximately eight feet (at the elevator tower) and approximately thirteen feet (at the South Entry patient drop-off canopy, in order to provide for emergency vehicle access and turnaround).

Walking surfaces that are part of an accessible route are required to comply with the Americans with Disabilities Act. Section 403 of the Americans with Disabilities Act regulates the various characteristics of the floor or ground surface to ensure that the route is stable, usable and does not contain obstructions that would prevent its use in reaching an accessible element. The suitability of an accessible route depends on certain characteristics of the surface itself, relative to both safety (slip resistance) and usability (stable and firm). Ambulatory and semi-ambulatory people who have difficulty maintaining balance and those with restricted gaits are particularly sensitive to slipping and tripping hazards. The addition of a canopy over and along the accessible path of travel is an added measure of protection against inclement weather.

Covered access on other floors of the South Parking Structure is available for patients, including those requiring accessible parking spaces. However, that access requires patients to use the Hospital's service entrance, and travel through the service level, which provides no patient services and is not intended for visitor use. Therefore, the proposed covered path of travel will provide access for all patients without requiring them to pass through the service level.

Information in Support of Variance Findings: Heart and Vascular Institute
Covered Path of Travel for South Parking Structure Rooftop Accessible Parking
October 5, 2010

1. Question: "What exceptional circumstances apply to the property, including size, shape, topography, location or surroundings?"

Hoag Response: Hoag Hospital faces practical difficulties in providing covered, accessible patient access because of the height limitations imposed on the Hospital. Further, Hoag Hospital faces unnecessary hardships because of the configuration of the site and the location of the Hospital facilities on the campus in relation to this height limit.

The exceptional circumstances applicable to Hoag Hospital are related to the height limitations and the naturally-occurring slope that splits the Hoag campus.

Section 20.65 of the Municipal Code regulates height limits within the City. According to Subsection 20.65.050, for Planned Community Districts, "the height limits shall be established as part of the Planned Community Development Plan". On May 13, 2008, the City Council adopted Ordinance No. 2008-9 which amended the Hoag Memorial Hospital Presbyterian Planned Community Development Criteria and District Regulations (Planned Community Development Plan Amendment No. 2007-001). Section V.C establishes height zones on the Hoag Hospital campus.

The Hoag Hospital campus is split into the "Upper Campus" and the "Lower Campus". On the Upper Campus, three height zones are identified in the Hoag Memorial Hospital Presbyterian Planned Community Development Criteria and District Regulations:

- Upper Campus Tower Zone – maximum building height not to exceed the existing tower which is two hundred thirty-five (235) feet above mean sea level.
- Upper Campus Mid-Rise Zone – maximum building height not to exceed one hundred forty (140) feet above mean sea level.
- Upper Campus Parking Zone – maximum building height not to exceed eighty (80) feet above mean sea level, exclusive of elevator towers.

The internal HVI project components are within the 235-foot Tower Zone. The external HVI project components are within the 235-foot Tower Zone and the 80-foot Parking Zone.

Information in Support of Variance Findings: Heart and Vascular Institute
Covered Path of Travel for South Parking Structure Rooftop Accessible Parking, Cont.
October 5, 2010

The terms "Upper Campus" and "Lower Campus" are used because the Hoag Hospital campus is bifurcated by a steep slope. The South Parking Structure is built into the side of that slope, resulting in a differential of approximately forty (40) feet between the finished floor level of first floor of the South Parking Structure and that of the fifth level. Because it is built into the side of that slope, the top of the South Parking Structure is, for practical purposes, at grade with the South Entry (see enclosed site section). Regardless of the practical height of the South Parking Structure, it is currently constructed to its maximum permitted height of eighty (80) feet msl, which precludes the ability to construct a covered pedestrian path from the existing South Parking Structure at the proposed elevator tower (Parking Zone) to the Tower Zone, within which the South Entry is located, a distance of approximately 55 feet).

2. Question: "Why is a variance necessary to preserve property rights?"

Hoag Response: Hoag Hospital's emergency department serves approximately 70,000 patients annually. Hoag Hospital is a regional hospital, currently serving an average of about 285 visits per day (for direct admitted patients, outpatient surgeries and outpatient services).

Many of these patients face mobility challenges due to disability or illness. A key factor in the preservation of Hoag Hospital's property rights is the ability to provide its patients convenient access. Patients that will be served by the HVI, in particular, will be those who are elderly and with heart conditions who warrant Hoag's special consideration in access provision. The addition of a canopy over and along the accessible path of travel is an extra measure of protection against inclement weather, increasing both safety (slip resistance) and usability (stable and firm) for patients and visitors alike.

The strict application of the Code deprives Hoag Hospital the ability to enjoy privileges enjoyed by other properties in the vicinity.

3. Question: "Why would the granting of this application not be inconsistent with the code and not a granting of special privilege?"

Hoag Response: In providing a covered pedestrian pathway to the South Entry, Hoag is not being granted special privileges that are inconsistent with the limitations of properties in the vicinity. Rather, by providing equivalent amenities (i.e., a covered path of travel for all patients, regardless of mobility status), Hoag will be consistent with the intent of the Americans with Disabilities Act which, among other things, regulates the various characteristics of the floor or ground

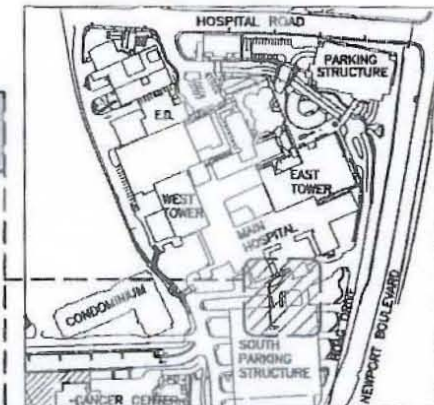
Information in Support of Variance Findings: Heart and Vascular Institute
Covered Path of Travel for South Parking Structure Rooftop Accessible Parking, Cont.
October 5, 2010

surface to ensure that the route is stable and safe by adding an extra measure of protection against inclement weather.

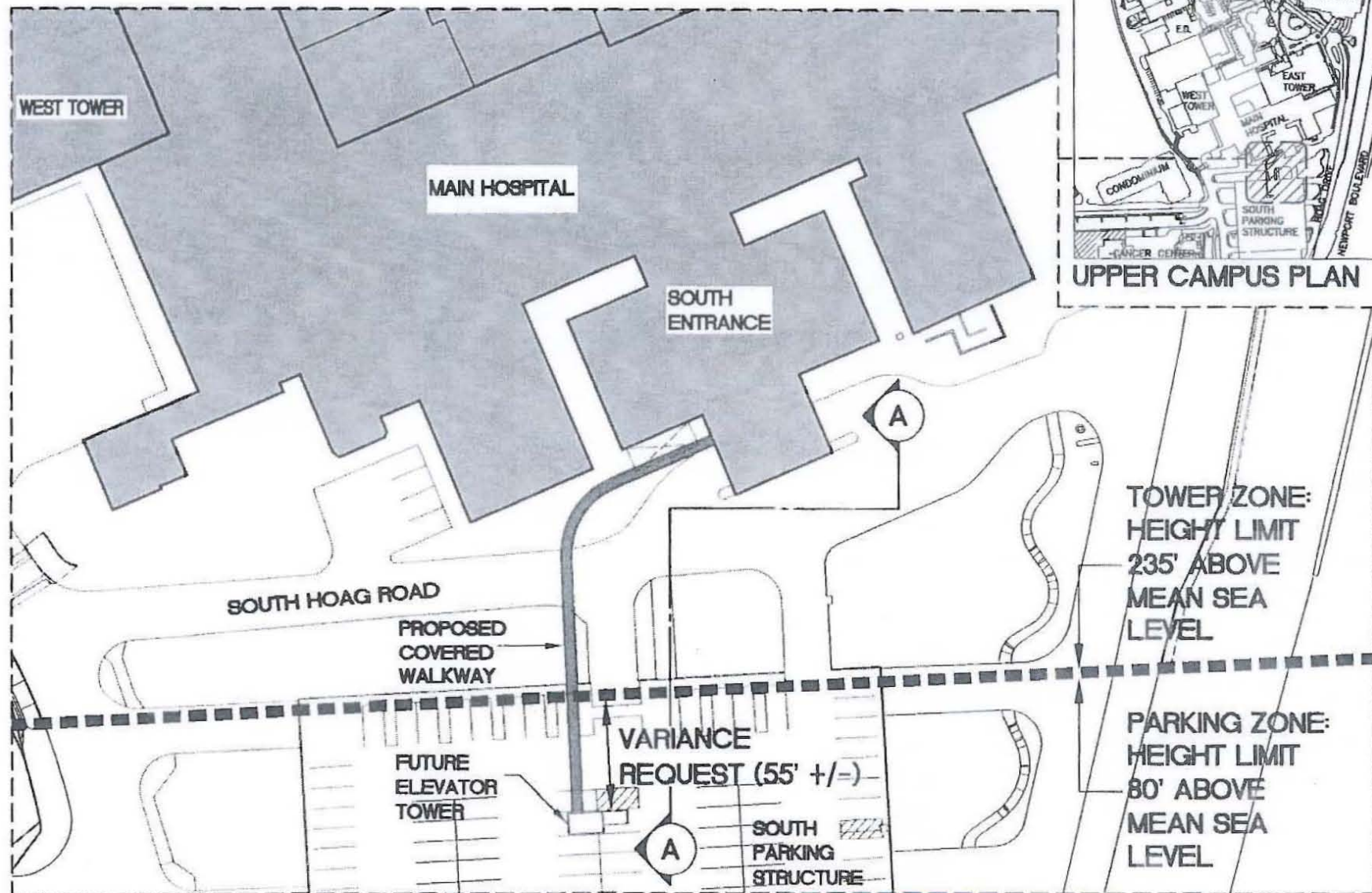
4. Question: "Why will the proposal not be detrimental to the neighborhood?"

Hoag Response: The covered pedestrian walkway will be reviewed by the City of Newport Beach Fire Department to ensure that there are no health and safety considerations related to its provision.

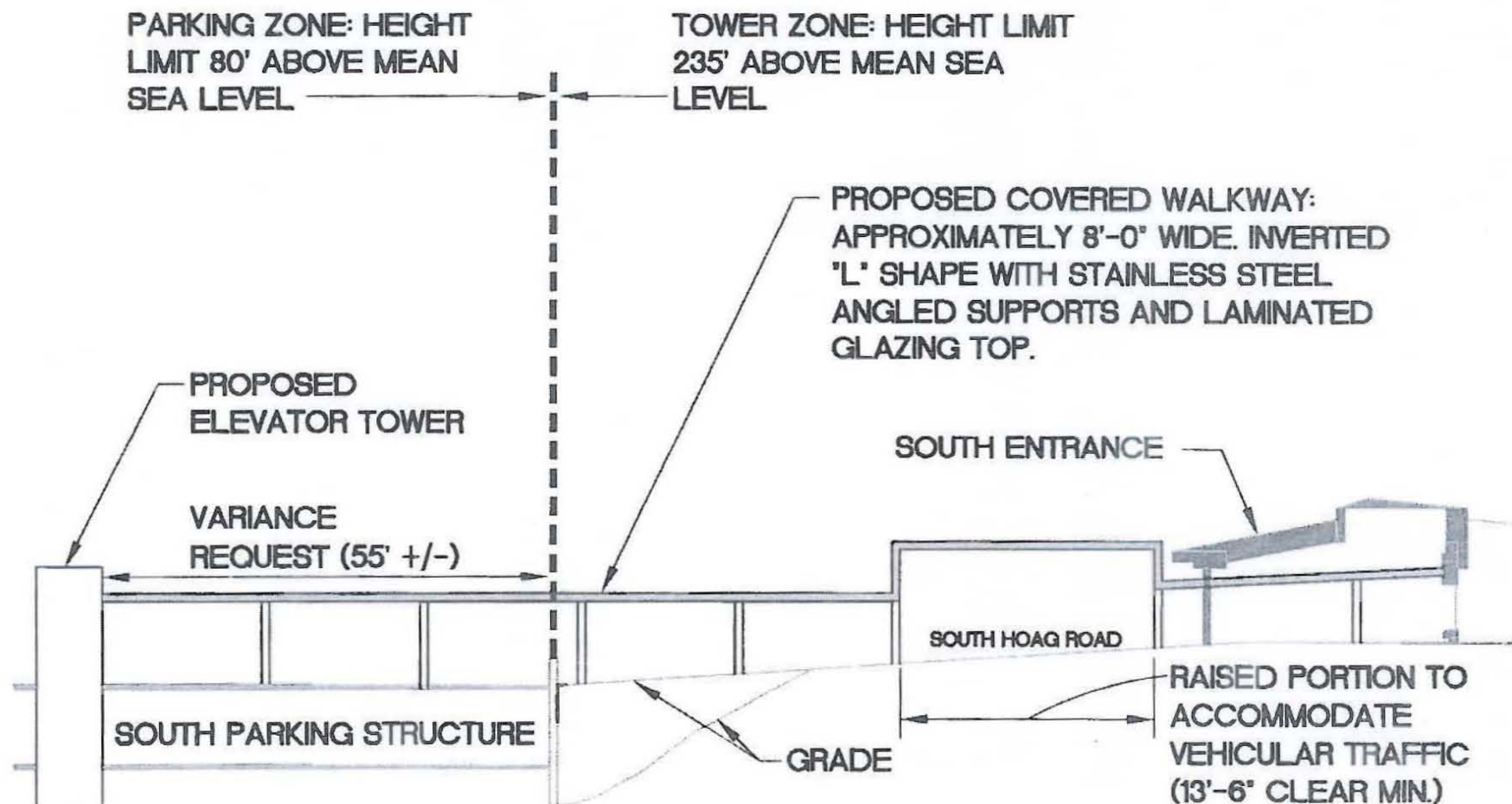
The public welfare of Hoag's neighborhood will not be detrimentally affected as shown on the enclosed photo analysis completed by Hoag which documents that views, both private and public, in the vicinity of the covered walkway will not be negatively affected (refer to environmental information form and project description for detailed information on aesthetic considerations related to the proposed covered walkway).



UPPER CAMPUS PLAN



HOAG MEMORIAL HOSPITAL PRESBYTERIAN -
PROPOSED COVERED WALKWAY
CONCEPTUAL ONLY



HOAG MEMORIAL HOSPITAL PRESBYTERIAN -
 PROPOSED COVERED WALKWAY - SITE SECTION A-A
 CONCEPTUAL ONLY

Attachment No. PC 3

PHOTO EXHIBIT 1- HOAG HOSPITAL
SOUTH PARKING STRUCTURE
VA2010-003

Hoag Hospital South Parking Structure

HOAG PROJECT #125925

Area of Proposed Covered Walkway



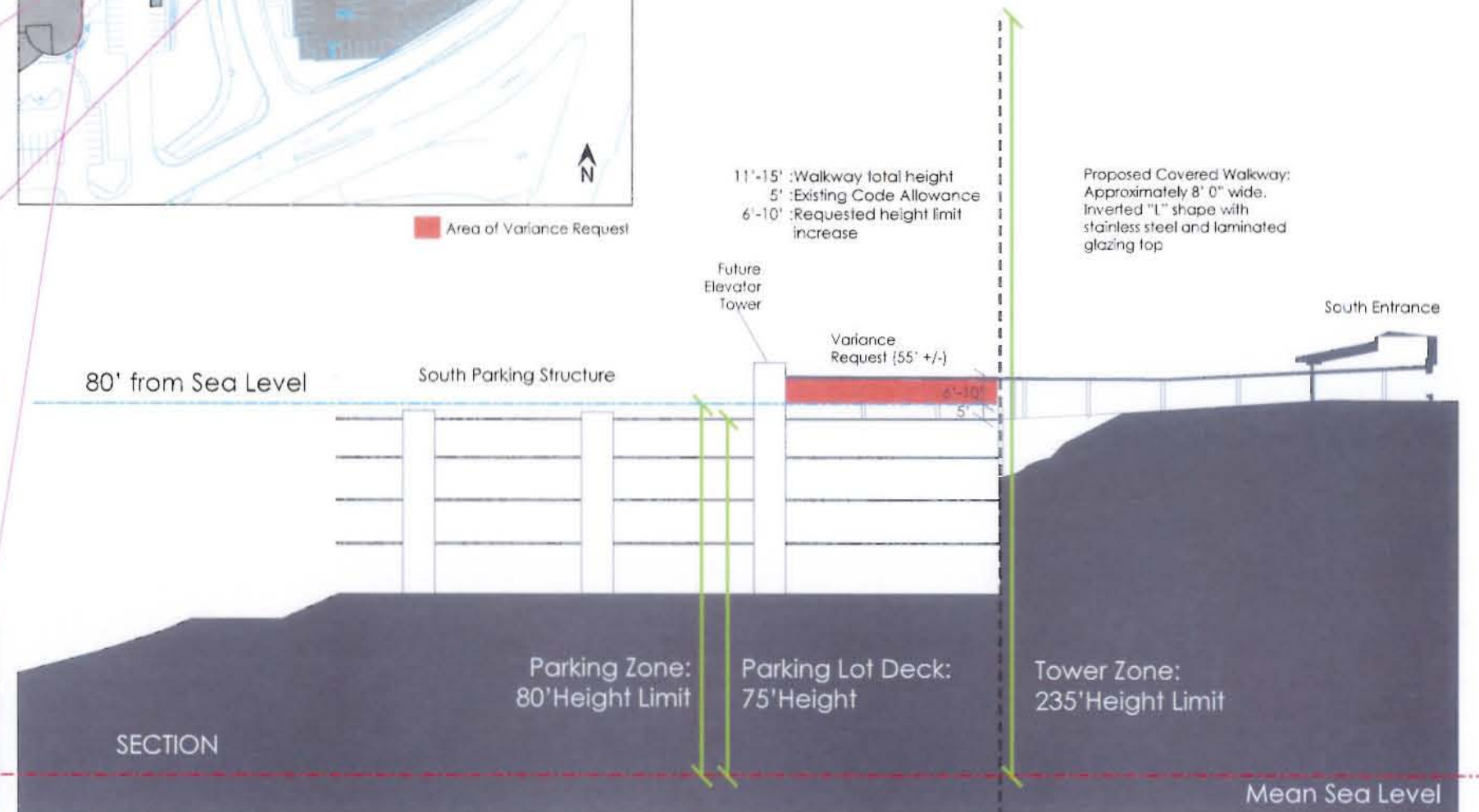
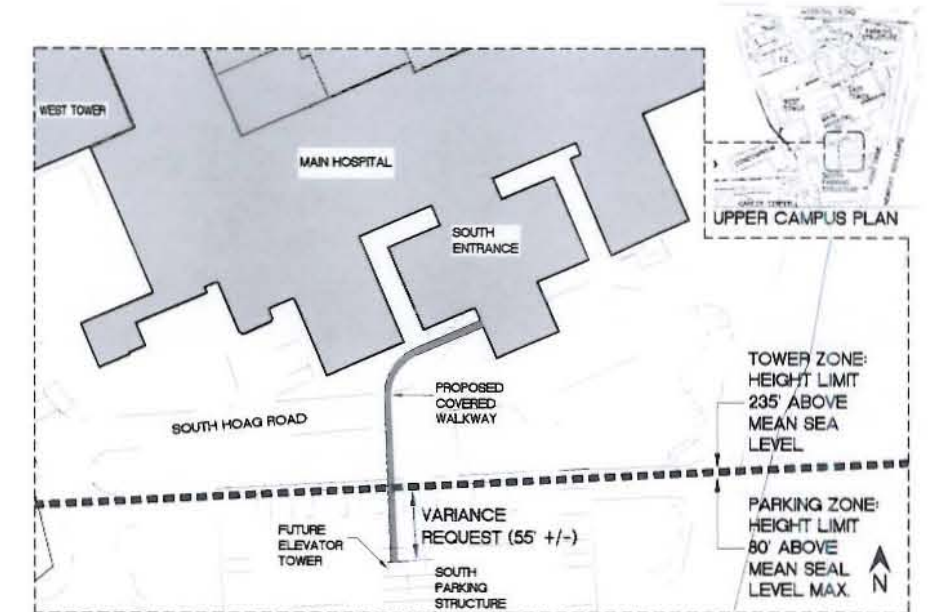
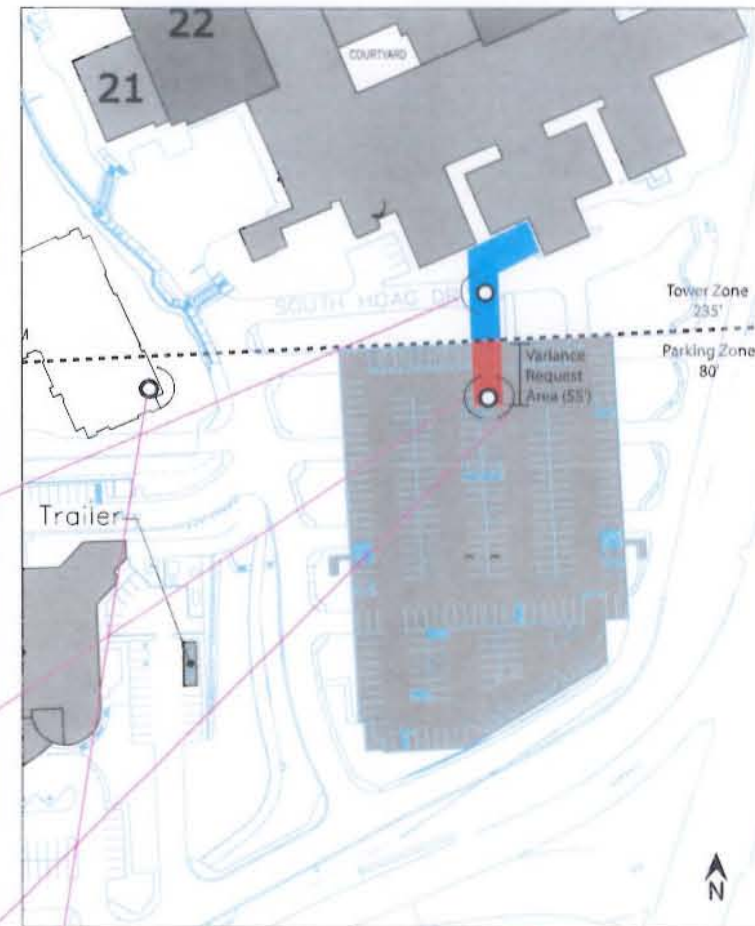
Views from Site



View from 3rd Floor Adjacent Condominium



Site Plan and Section



Attachment No. PC 4

PHOTO EXHIBIT 2- HOAG HOSPITAL
SOUTH PARKING STRUCTURE
VIEWS OF PROPOSED COVERED
WALKWAY
VA2010-003

Hoag Hospital South Parking Structure Views of Proposed Covered Walkway

HOAG PROJECT # 125925



LOOKING EAST FROM A



LOOKING EAST FROM B



PROPOSED COVERED WALKWAY AREA
THIS AREA IS FOR DEMONSTRATION OF WALKWAY AREA ONLY. IT DOES NOT REPRESENT ACTUAL DESIGN OF LANDSCAPE



LOOKING SOUTH-WEST FROM D



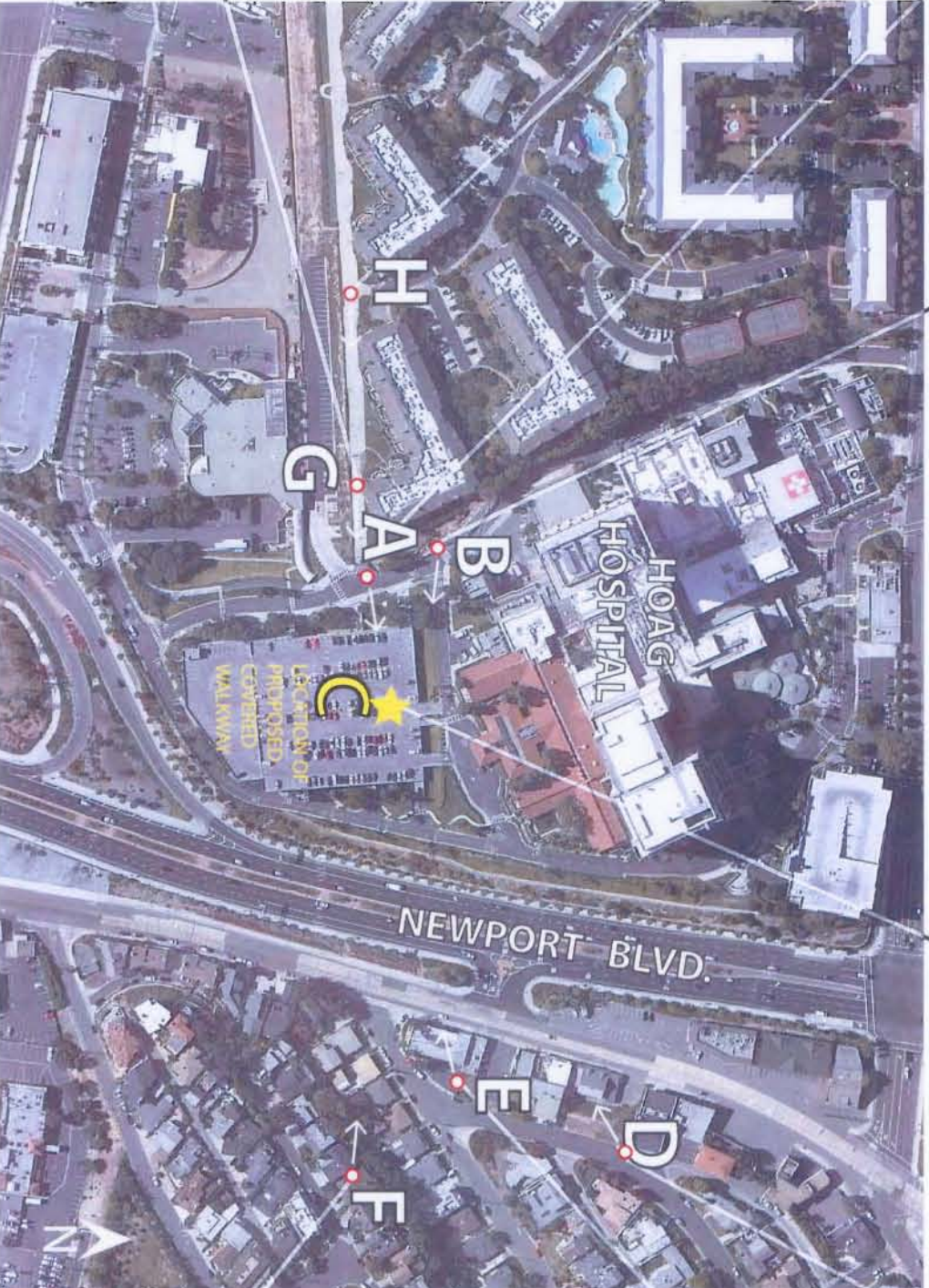
LOOKING EAST FROM H



LOOKING WEST FROM E



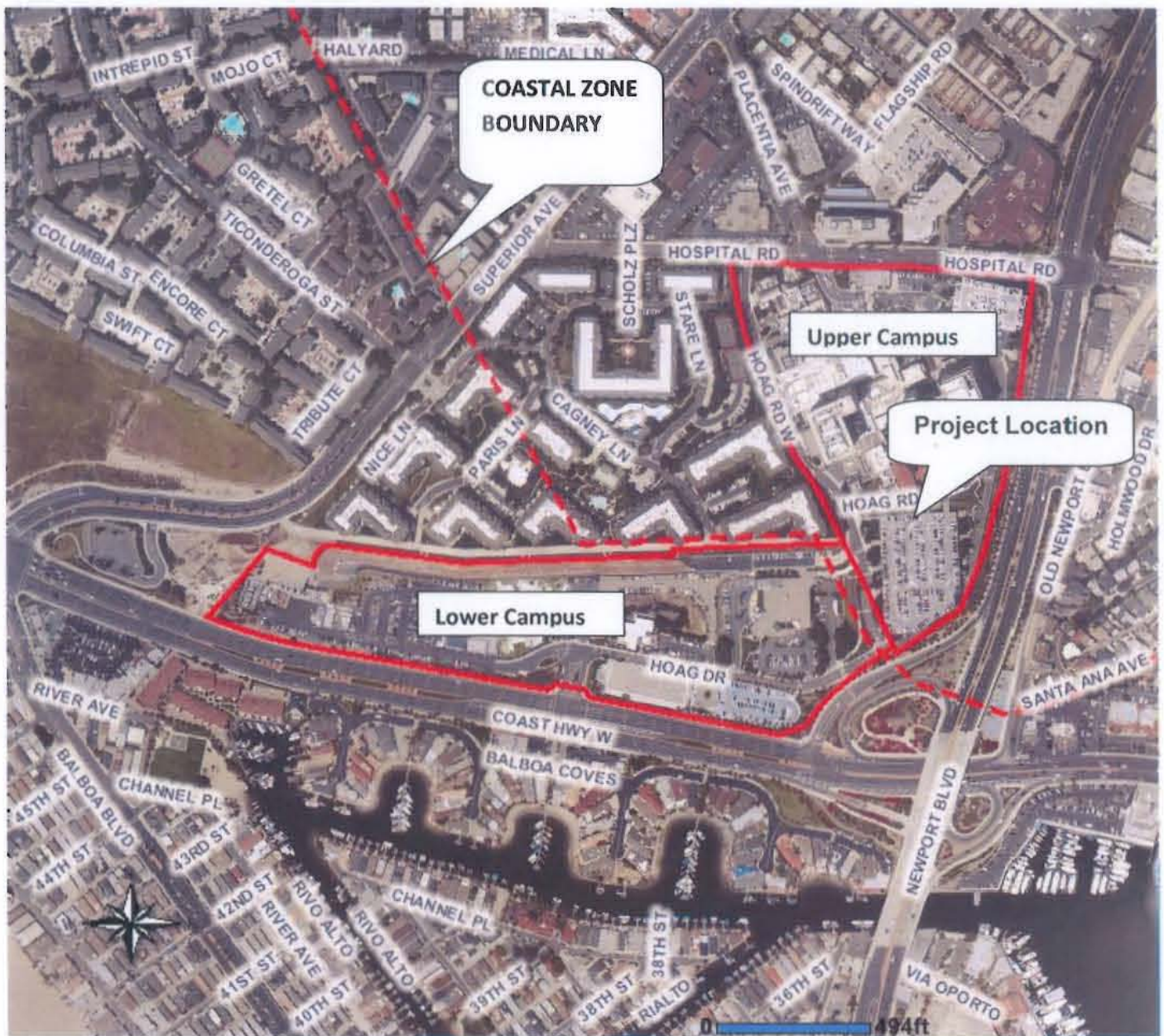
LOOKING EAST FROM G



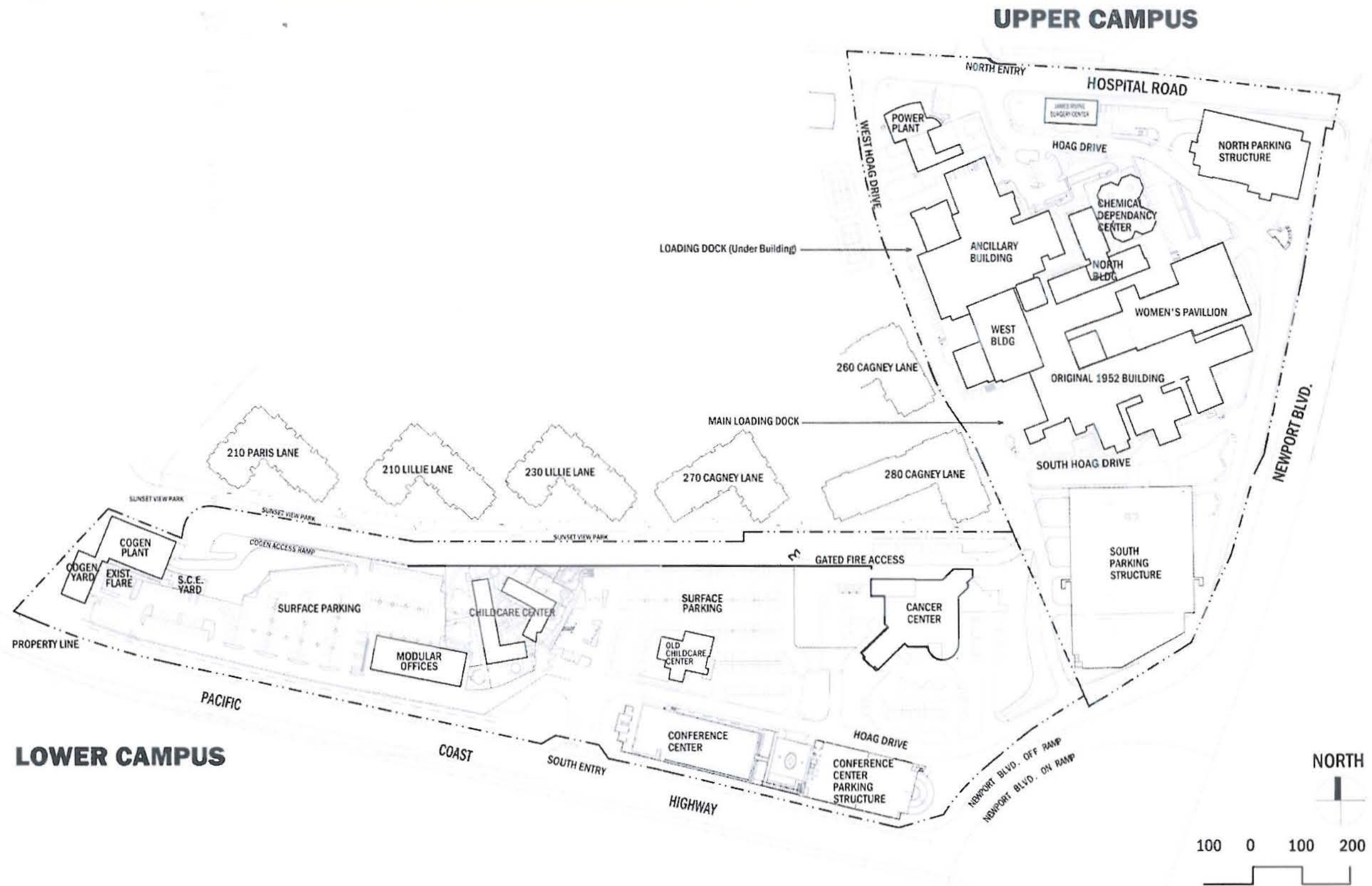
LOOKING WEST FROM F

Attachment No. PC 5

Hoag Planned Community Site and Boundary Map
For VA2010-003



HOAG HOSPITAL AERIAL PHOTO-
SITE BOUNDARY & COASTAL ZONE BOUNDARY



Note: Buildings labeled for identification purposes only

PLANNED COMMUNITY SITE AND BOUNDARY MAP **HOAG MEMORIAL HOSPITAL PRESBYTERIAN**

EXHIBIT 1
08.20.07
REVISED 01.22.08

Attachment No. PC 6

Hoag Development Criteria Plan-
Height Zones
For VA2010-003
VA2010-003

LEGEND

HEIGHT ZONES



UPPER CAMPUS ZONES

TOWER ZONE- MAXIMUM BUILDING HEIGHT
235' ABOVE MEAN SEA LEVEL

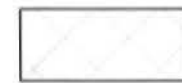


MIDRISE ZONE- MAXIMUM BUILDING HEIGHT
140' ABOVE MEAN SEA LEVEL



PARKING ZONE- MAXIMUM BUILDING HEIGHT 80' ABOVE MEAN SEA LEVEL, EXCLUSIVE OF ELEVATOR TOWER

LOWER CAMPUS ZONES



LOWER CAMPUS ZONE- SUB - AREAS A, B, C, F, AND G- NO BUILDING SHALL EXCEED THE HEIGHT OF THE EXISTING SLOPE OR THE RANGE OF MAXIMUM BUILDING HEIGHTS INDICATED
SUB - AREAS D AND E - MAXIMUM BUILDING HEIGHT 57.5 FEET ABOVE MEAN SEA LEVEL

A.

BUILDING HEIGHT SUB AREAS

42

TYPICAL RANGE OF BUILDING HEIGHT, ABOVE PROPOSED GRADES

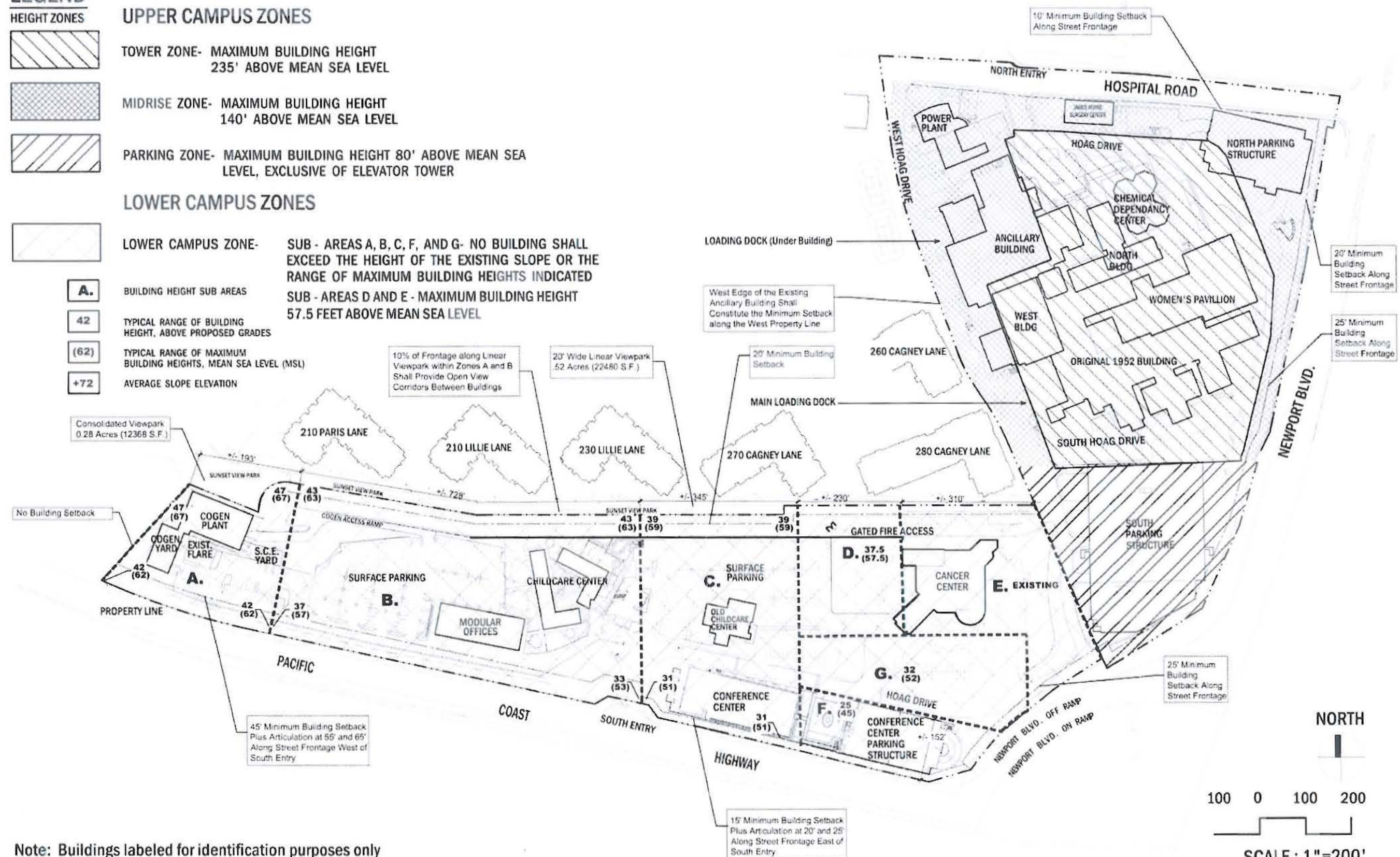
(62)

TYPICAL RANGE OF MAXIMUM BUILDING HEIGHTS, MEAN SEA LEVEL (MSL)

+72

AVERAGE SLOPE ELEVATION

Consolidated Viewpark
0.28 Acres (12368 S.F.)



Note: Buildings labeled for identification purposes only

DEVELOPMENT CRITERIA PLAN

HOAG MEMORIAL HOSPITAL PRESBYTERIAN

EXHIBIT 3
08.20.07
REVISED 01.22.08

Attachment No. PC 7

AERIAL PHOTOS
FOR VA2010-003



AERIAL PHOTO- SOUTH PARKING STRUCTURE



AERIAL PHOTO SOUTH PARKING STRUCTURE- ELEVATOR AND HOSPITAL SOUTH ENTRANCE